IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

ELIZA ELIZONDO,)	
Plaintiff,)	
V.)	CIVIL ACTION NO. SA-23-CA-1144-FB
WAL-MART STORES TEXAS, LLC;)	
and FERNANDO MARTINEZ,)	
)	
Defendants.)	

ORDER OF REMAND

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 10) recommending that Plaintiff's Opposed Motion to Remand (docket no. 5) be granted and this case be remanded to the state court from which it was removed for lack of subject matter jurisdiction.

To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 10) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's

Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

Opposed Motion to Remand (docket no. 5) is GRANTED such that the above styled and numbered cause is REMANDED to the 407th Judicial District Court of Bexar County, Texas due to a lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Clerk of Court shall mail a certified copy of this Order of Remand to the Clerk of the state court from which this case was removed.

IT IS FINALLY ORDERED that remaining motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 27th day of March, 2024.

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UNITED STATES DISTRICT JUDGE